
By: **Delegates Hubbard, Benson, Boutin, Donoghue, Elliott, Goldwater,
Hammen, Morhaim, Nathan-Pulliam, Oaks, Pendergrass, Redmer,
Rosenberg, and V. Turner**

Introduced and read first time: February 5, 2003
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Money Follows the Individual Fund**

3 FOR the purpose of establishing a Money Follows the Individual Fund consisting of
4 certain money in the Department of Health and Mental Hygiene to be used for
5 certain purposes; providing that the Fund shall be used to provide home- and
6 community-based services to certain individuals; requiring the Department to
7 adopt certain regulations; requiring the Department to submit a certain annual
8 report to the General Assembly and the Department of Legislative Services;
9 providing that any unspent portion of the Fund may not be transferred or may
10 not revert to the General Fund of the State; and generally relating to a Money
11 Follows the Individual Fund.

12 BY adding to
13 Article - Health - General
14 Section 15-136
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2002 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 15-136.

21 (A) THERE IS A CONTINUING, NONLAPSING MONEY FOLLOWS THE
22 INDIVIDUAL FUND.

23 (B) THE PURPOSE OF THE MONEY FOLLOWS THE INDIVIDUAL FUND IS TO
24 ENSURE THAT WHEN AN INDIVIDUAL LEAVES A NURSING FACILITY UNDER A HOME-
25 AND COMMUNITY-BASED SERVICES WAIVER, THE NET AVERAGE COST OF SERVING
26 THE INDIVIDUAL IN THE NURSING FACILITY FOLLOWS THE INDIVIDUAL TO THE

1 HOME- OR COMMUNITY-BASED SERVICE TO COVER THE COSTS OF THE INDIVIDUAL'S
2 CARE.

3 (C) SUBJECT TO THE APPROPRIATIONS PROCESS, THE DEPARTMENT SHALL
4 USE THE MONEY FOLLOWS THE INDIVIDUAL FUND TO PROVIDE HOME- AND
5 COMMUNITY-BASED SERVICES TO INDIVIDUALS WHO ARE RELOCATED FROM
6 FACILITIES UNDER A HOME- AND COMMUNITY-BASED SERVICES WAIVER.

7 (D) SUBJECT TO THE APPROPRIATIONS PROCESS, THE MONEY FOLLOWS THE
8 INDIVIDUAL FUND SHALL CONSIST OF FUNDS THAT ARE EQUAL TO THE NET
9 AVERAGE COST OF PROVIDING SERVICES TO AN INDIVIDUAL IN A NURSING FACILITY
10 FOR EACH FISCAL YEAR, OR PART OF A FISCAL YEAR, THAT THE INDIVIDUAL IS NO
11 LONGER SERVED IN A NURSING FACILITY AND IS PROVIDED HOME- OR
12 COMMUNITY-BASED SERVICES.

13 (E) BY DECEMBER 1, 2003, THE DEPARTMENT SHALL ADOPT REGULATIONS:

14 (1) ESTABLISHING A PROCESS FOR DETERMINING THE NET AVERAGE
15 COST OF SERVING AN INDIVIDUAL IN A NURSING FACILITY; AND

16 (2) FOR THE MANAGEMENT AND USE OF MONEY IN THE MONEY
17 FOLLOWS THE INDIVIDUAL FUND.

18 (F) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY SHALL
19 PREPARE A REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY AND THE
20 DEPARTMENT OF LEGISLATIVE SERVICES ON THE MONEY FOLLOWS THE
21 INDIVIDUAL FUND.

22 (G) ANY UNSPENT PORTIONS OF THE MONEY FOLLOWS THE INDIVIDUAL
23 FUND AND ANY INTEREST EARNED ON MONEY IN THE MONEY FOLLOWS THE
24 INDIVIDUAL FUND MAY NOT BE TRANSFERRED TO THE GENERAL FUND OF THE
25 STATE BUT SHALL REMAIN IN THE MONEY FOLLOWS THE INDIVIDUAL FUND TO BE
26 USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect July 1, 2003.